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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,641	04/04/2005	Sean Linden	032899-018	5066

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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/518,641

Applicant(s)

LINDEN, SEAN

Examiner

A. Michael Chambers

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/25/06</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to a Request for Continued Examination (RCE) filed September 25, 2006. An informational disclosure statement (IDS) filed September 25, 2006, has been considered. Applicant is asked to maintain a clear line of demarcation between the subject matter of applicant's copending application 10/496,342 and the instant application. The amendment after final July 24, 2006, has been entered. Claims 1-15 have been amended. Claims 16-29 have been cancelled. Claims 30-36 have been added. Claims 1-15 and 30-36 are pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 15, 31, 33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Figures 1 and 4 of Turk et al. Note the temperature sensitive safety valve including a biased valve actuated to a closed position in response to a plurality of sensed conditions including fire 150. An audible alarm 145 is shown. Venting of vent 122 allows actuation of the valve. Further note the "...geared motor arranged to actuate the valve..." shown in Figure 1. With regard to claim 15 note the hazard alarm 145 "...issues an alert....".

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

6. Claims 4, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk et al modified in view of Waldbeser et al. The claims are readable on the patent to Turk et al with the exception of remote wireless actuation as taught by Waldbeser et al. It would have been obvious to one having ordinary skill in the art at the time the invention was made to the assembly of Turk et al to include remote control as taught by Figure 2 (remote controller 42), as taught by Waldbeser et al in order to provide remote actuation of the gas valve 25 of Turk et al to the closed position. 8.

7. Claims 5 and 14, 30, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk et al modified in view of D'Antonio et al. The claims are readable on the patent to Turk et al with the exception of solar cell energy source for an ambient condition responsive valve as taught by D'Antonio et al.(see column 6, lines 7+). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further

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modify the assembly of Turk et al to include a solar cell energy as taught by D'Antonio et al in order to provide a backup power source for the valve 25 of Turk et al.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mangiameli (Figure1) is of particular interest. See column 2, lines 16+ in which a frangible element is broken to allow actuation of the valve h. 4. "GB Document 2 179 767 A further discloses control of liquid (i.e., a sprinkler for installation in a building). GB Document 2 179 767 A (Figure 2) shows "heat-sensitive sealing means" 23 (being designed to shatter, i.e., made of glass). Gadini in column 1, lines 30, especially lines 44 and 45 disclose shattering to actuate a valve as discussed in the copending application..

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A. Michael Chambers  
Primary Examiner  
Art Unit 3753

amc  
09/28/06